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Lauren C. Kiss

**Hearing Date: September 18, 2013, at
10:00 A.M. (EST)**

**Objection Deadline: September 11, 2013,
at 4:00 P.M. (EST)**

REUBEN RAUCHER & BLUM
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Timothy D. Reuben

Attorneys for *Retirement Housing Foundation and its affiliates, Foundation Property Management, Bixby Knolls Towers, Inc., Gold Country Health Center, Inc., Mayflower Gardens Health Facilities, Inc., Mayflower RHF Housing, Inc., Sun City RHF Housing, Holly Hill RHF Housing, Inc., Merritt Island RHF Housing, Inc., Martin Luther Foundation, Inc., Yellowwood Acres, Inc., Bluegrass RHF Housing, Inc., St. Catherine RHF Housing, Inc. and DeSmet RHF Housing, Inc.*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS, INC., <i>et al.</i> ,	:	Case No. 08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
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**NOTICE OF HEARING OF MOTION OF RETIREMENT HOUSING FOUNDATION
AND ITS AFFILIATES FOR A DETERMINATION THAT THE AUTOMATIC STAY
DOES NOT BAR COMMENCEMENT OF CERTAIN LITIGATION AGAINST THE
DEBTORS RELATED TO POST-PETITION CLAIMS AND/OR GRANTING RELIEF
FROM THE AUTOMATIC STAY TO PERMIT COMMENCEMENT OF SUCH
LITIGATION; AND SEPARATELY, TO GRANT RHF RELIEF FROM THE
AUTOMATIC STAY TO LITIGATE THE TORT CLAIM IN
THE CALIFORNIA STATE COURT**

PLEASE TAKE NOTICE that a hearing on the motion (the “Motion”) of Retirement Housing Foundation and its affiliates¹ (collectively “RHF”), for (1) an order declaring that RHF is not prohibited, under 11 U.S.C. §362(a), from commencing an action in California state court seeking a declaratory judgment on the issue of the validity of its early termination of certain interest rate derivative swap transactions between RHF and Lehman Brothers Special Financing, Inc. (“LBSF”) and Lehman Brothers Holdings, Inc. (“LBHI”, and with LBSF as “Lehman”)² and (2) an order granting RHF relief from the automatic stay, pursuant to 11 U.S.C. §362(d), to permit RHF to immediately commence litigation in the California state court against Lehman with respect to the Tort Claim (as defined in the Motion), has been scheduled before the Honorable James M. Peck in the United States Bankruptcy Court, Southern District of New York, located at One Bowling Green, New York, NY 10004, Courtroom 601 on **September 18, 2013 at 10:00 a.m.** (the “Hearing”).

PLEASE TAKE FURTHER NOTICE that the Motion has been filed electronically with the Clerk of the United States Bankruptcy Court for the Southern District of New York, and may be reviewed by all registered users of the Court’s website at <http://ecf.nysb.uscourts.gov>. Copies of the Motion can also be obtained by telephonic, written, or e-mail request to the undersigned counsel to RHF, Attn: Lauren Kiss (Telephone: (212) 972-3000 or e-mail: lkiss@klestadt.com).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought in the Motion shall be made in writing, filed with the Court by registered users of the Court’s electronic case filing system and, by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004, on a 3.5 inch floppy disc or compact disc, preferably in portable document Format (PDF), Microsoft Word, or any other Windows Based word processing format, with a hard copy delivered directly to the Chambers of the Honorable James M. Peck, United States Bankruptcy Judge, United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004, Courtroom 601 and served upon (i) Klestadt & Winters, LLP, 570 Seventh Avenue, 17th Floor, New York, New York 10018, Attn: Tracy L. Klestadt; (ii) Reuben Raucher & Blum, 10940 Wilshire Blvd., 18th Floor, Los Angeles, CA 90024, Attn: Timothy D. Reuben; (iii) Weil Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn: Richard P. Krasnow, Esq., Lori R. Fife, Esq., and Jacqueline Marcus, Esq., attorneys for the Debtors; (iv) the U.S. Trustee, 201 Varick Street, Suite 1006, New York, New York 10014, Attn: Andy Velez-Rivera, Esq., Paul Schwartzberg, Esq., Brian Masumoto, Esq., Linda Riffkin, Esq., and Tracy Hope Davis, Esq.; and (v) Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, New York 10005, Attn: Dennis F. Dunne, Esq., Dennis O’Donnell, Esq., and Evan R. Fleck, Esq., attorneys for the Creditors’ Committee, and all parties

¹ Retirement Housing Foundation’s affiliates include Foundation Property Management, Bixby Knolls Towers, Inc., Gold Country Health Center, Inc., Mayflower Gardens Health Facilities, Inc., Mayflower RHF Housing, Inc., Sun City RHF Housing, Holly Hill RHF Housing, Inc., Merritt Island RHF Housing, Inc., Martin Luther Foundation, Inc., Yellowwood Acres, Inc., Bluegrass RHF Housing, Inc., St. Catherine RHF Housing, Inc. and DeSmet RHF Housing, Inc.

² Alternatively, to the extent the Court determines that the automatic stay, under 11 U.S.C. §362(a) applies, RHF requests that the Court enter an order, pursuant to 11 U.S.C. §362(d), granting RHF relief from the automatic stay to permit RHF to immediately commence such a declaratory judgment action in California state court.

having filed a Notice of Appearance, **so as to be received no later than 4:00 p.m. on September 11, 2013.**

PLEASE TAKE FURTHER NOTICE that the Court may grant the relief requested in the Motion without a hearing if no objections to the Motion are timely filed and served.

PLEASE TAKE FURTHER NOTICE that the Hearing to consider the Motion may be adjourned thereafter from time to time without further notice to parties in interest other than the announcement of the adjourned date at the Hearing or any other hearing thereafter.

Dated: New York, New York
August 8, 2013

KLESTADT & WINTERS, LLP

By: /s/ John E. Jureller, Jr.

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